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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 **United States of America,**

16 Plaintiff,

17 v.

18 **Nicholas Richars,**

19 Defendant.
20

Case No.: CR 21–206 CRB (JSC)

**[Proposed] Joint Stipulated Order
to Modify Conditions of Release**

21 Defendant Nicholas Richars was charged with a violation of 18 U.S.C. § 2252(a)(2)
22 and (b)—Receipt of child pornography on April 21, 2021. Conditions of release were set
23 the same day and Mr. Richars was ordered to remain in the custody of custodian Marrily
24 Kay at her home address.

25 On August 26, 2021, the parties appeared before the Court regarding compliance
26 and modification of bond conditions. During that hearing, the Court encouraged Mr.
27 Richars to submit leave to travel to visit his grandparents during the Thanksgiving,
28 Christmas, and New Years holidays. In November 2021, the parties appeared before the

1 Court and bond was modified as below for the Thanksgiving holiday. Mr. Richards
 2 successfully complied with his conditions of release.

- 3 • On November 25, 2021, Mr. Richards is permitted to travel to his father's home in
 4 Hughson, California, and to a friend's house in Modesto, California and return
 5 home at 12:00 a.m. November 26, 2021;
- 6 • On November 26-29, 2021, Mr. Richards is permitted to travel to his
 7 grandparents' home in Davis, California, and stay overnight. He is permitted to
 8 abide by the conditions of his regular curfew at his grandparents' home, but
 9 otherwise should be with his custodian from November 26-29th;
- 10 • Mr. Richards must provide addresses of his father, his friends, and his
 11 grandparents to Pretrial Services prior to traveling to each residence; and,
- 12 • Mr. Richards' custodian is required to notify Pretrial Services should Mr. Richards
 13 fail to follow through with the conditions of his pretrial release.

14 With the upcoming Christmas holiday, Mr. Richards submits this proposed order for
 15 permission for the following modifications:

- 16 • On December 24-27, 2021, Mr. Richards is permitted to travel to his
 17 grandparents' home in Davis, California, and stay overnight. He is permitted to
 18 abide by the conditions of his regular curfew at his grandparents' home, but
 19 otherwise should be with his custodian from December 24-27th;
- 20 • On December 31, 2021, Mr. Richards is intending to work at his restaurant which
 21 will be open late for New Years Eve. Mr. Richards is requesting that he be
 22 permitted to return to his mother's residence on January 1, 2022, at 4:00 a.m. to
 23 accommodate his schedule to close the restaurant and necessary clean up
 24 afterwards;
- 25 • On January 1, 2022, Mr. Richards would like to go to a friend's house in Modesto,
 26 California for New Years Day dinner and return home at 12:00 a.m. January 2,
 27 2022;
- 28 • Mr. Richards must notify the parents or guardians of any minor children present

at his friend's or grandparent's house of his status having plead guilty of the charged offense.

- Mr. Richars must provide addresses of his friends and his grandparents to Pretrial Services prior to traveling to each residence; and,
- Mr. Richars' custodian is required to notify Pretrial Services should Mr. Richars fail to follow through with the conditions of his pretrial release.

The government has no objection to this proposed modification. Pretrial Services opposes the modification for the same reasons voiced at the previous hearing before the Court—a concern for the safety of the community.

IT IS SO STIPULATED.

December 20, 2021
Dated

STEPHANIE HINDS
Acting United States Attorney
Northern District of California

/S
ANKUR SHINGAL
Assistant United States Attorney

December 20, 2021
Dated

GEOFFREY HANSEN
Acting Federal Public Defender
Northern District of California

/S
CANDIS MITCHELL
Assistant Federal Public Defender

Acknowledgement of Custodian

I, Marrily Kay, am the mother and custodian for Nicholas Richars. I consent to the bond modification indicated below and agree to notify Pretrial Services should Mr. Richars fails to follow through with his conditions of release:

- On December 24-27, 2021, Mr. Richars is permitted to travel to his grandparents' home in Davis, California, and stay overnight. He is permitted to abide by the conditions of his regular curfew at his grandparents' home, but otherwise should be with his custodian from December 24-27th;
- On December 31, 2021, Mr. Richars is intending to work at his restaurant which will be open late for New Years Eve. Mr. Richars is requesting that he be permitted to return to his mother's residence on January 1, 2022, at 4:00 a.m. to accommodate his schedule to close the restaurant and necessary clean up afterwards;
- On January 1, 2022, Mr. Richars would like to go to a friend's house in Modesto, California for New Years Day dinner and return home at 12:00 a.m. January 2, 2022;
- Mr. Richars must notify the parents or guardians of any minor children present at his friend's or grandparent's house of his status having plead guilty of the charged offense.
- Mr. Richars must provide addresses of his friends and his grandparents to Pretrial Services prior to traveling to each residence; and,
- Mr. Richars' custodian is required to notify Pretrial Services should Mr. Richars fail to follow through with the conditions of his pretrial release.

Dated:

Marrily Kay

[Proposed] Order

Therefore, for good cause shown defendant Nicholas Richars is permitted to travel and stay with his grandparents with his custodian for the following dates:

- On December 24-27, 2021, Mr. Richars is permitted to travel to his grandparents' home in Davis, California, and stay overnight. He is permitted to abide by the conditions of his regular curfew at his grandparents' home, but otherwise should be with his custodian from December 24-27th;
- On December 31, 2021, Mr. Richars is intending to work at his restaurant which will be open late for New Years Eve. Mr. Richars is requesting that he be permitted to return to his mother's residence on January 1, 2022, at 4:00 a.m. to accommodate his schedule to close the restaurant and necessary clean up afterwards;
- On January 1, 2022, Mr. Richars would like to go to a friend's house in Modesto, California for New Years Day dinner and return home at 12:00 a.m. January 2, 2022;
- Mr. Richars must notify the parents or guardians of any minor children present at his friend's or grandparent's house of his status having plead guilty of the charged offense.
- Mr. Richars must provide addresses of his friends and his grandparents to Pretrial Services prior to traveling to each residence; and,
- Mr. Richars' custodian is required to notify Pretrial Services should Mr. Richars fail to follow through with the conditions of his pretrial release.

IT IS SO ORDERED.

Dated

HON. JACQUELINE SCOTT CORLEY
United States Magistrate Judge

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